

Remarks

Applicant replies to the Final Office Action dated November 18, 2011, within two months. Claims 1-7, and 9-20 are pending in the application and the Examiner rejects claims 1-7, and 9-20. Support for the amendments may be found in the originally-filed specification, claims, and figures. No new matter has been introduced by these amendments. Reconsideration of this application is respectfully requested.

Objections to the Claims

The Examiner objects to claims 1, 9 and 20 due to an informality. Claims 1, 9 and 20 are currently amended to recite "... the primary message is not accessible to the first intended recipient." (emphasis added). As such, Applicants respectfully assert the objection is rendered moot and request that the objection to the claims be withdrawn.

Rejection under 35 U.S.C. § 112

The Examiner rejects claims 1-7, 9-20 under 35 U.S.C. 112 first paragraph, as failing to comply with the written description requirement. Applicant respectfully traverses these rejections.

Specifically, the Examiner states that the limitation "limiting, by the computer based system, access to the primary message to the first intended recipient to a pre-selected period after which the primary message is not accessible to the first in[t]ended recipient; and-maintaining, by the computer based system, the primary message in the common storage area of the database for dynamic access by a second intended recipient via the secure website, wherein the primary message may be accessible to the second intended recipient after the pre-selected period".... "was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention."

As set forth in the MPEP §2163, when a disclosure describes a claimed invention in a manner that permits one skilled in the art to reasonably conclude that the inventor possessed the claimed invention, the written description requirement is satisfied. This possession may be shown in any number of ways and Applicant need not describe every claim feature exactly because there is no in haec verba requirement. (MPEP § 2163). Rather, to satisfy the written

description requirement, all that is required is “reasonable clarity.” (MPEP § 2163.02). Also, an adequate description may be made in any way through express, implicit, or even inherent disclosures in the application, including words, structures, figures, diagrams, and/or formulae. (MPEP §§ 2163(I), 2163.02). Finally, it is important to be mindful of the generally inverse correlation between the level of skill and knowledge in the art and the specificity of disclosure necessary to satisfy the written description requirement. (MPEP § 2163(II)(A)(2)) (inventions in “predictable” or “mature” require a lesser showing of possession than inventions in more “unpredictable” arts).

Applicants respectfully submit that one of ordinary skill in the art would reasonably conclude that Applicant’s disclosure adequately described the claimed invention at the time of filing because at least paragraphs [0020-0021] state:

In an embodiment of the invention, a message has an expiration date. After a user reads a message, the message is flagged in the database as being read by that user. A set time period can be set for the message to remain accessible to the user or the system can limit the number of times the message may be accessed. After such time, the user would be unable to access the message. Such functionality can be provided in a variety of manners. For example, there may be a field in the message containing an expiration date. Once the expiration date occurs, the message is eliminated from the database such that it is no longer accessible. In one embodiment of the invention, the message is archived to a separate database, but eliminated from the message database. Such a task allows, for example, the message database to be smaller in size for faster performance, (emphasis added).

In another embodiment of the invention, a save feature is available to the user. Using the save feature, the expiration date of the message is extended by a period of time established by the user or a default by the system. Such functionality may be provided by changing the expiration date field in the message database, (emphasis added).

Paragraph [0024] states:

Using the dynamic message retrieval function, only a single copy of the message is stored on the credit card company's servers as an entry in the above-described database. One portion of the entry will note the users to whom the message is addressed. When the user is authenticated, the user will then be able to view a copy of the message. Instead of thousands of copies of the same message being copied and stored on the credit card company's servers, only a single copy, with an indication of the intended recipients, is necessary.

Those of ordinary skill in the art upon reading this application would understand that such application at least implies such disclosure of “limiting, by the computer based system, access to the primary message to the first intended recipient to a pre-selected period after which the primary message is not accessible to the first in[t]ended recipient; and—maintaining, by the computer based system, the primary message in the common storage area of the database for dynamic access by a second intended recipient via the secure website, wherein the primary message may be accessible to the second intended recipient after the pre-selected period.”

Thus, Applicant respectfully asserts the present application adequately describes the claimed invention. Applicant respectfully requests favorable reconsideration and withdrawal of the rejection under 35 U.S.C. § 112. In the event that the Office maintains this rejection, Applicant respectfully requests, in the interest of its policy of compact prosecution, that the Examiner explain how the aforementioned portions of the present application fail to communicate to a skilled artisan that Applicant possessed the claimed invention.

Moreover, the Examiner states “it makes no sense to combine the features of these two embodiments as applicant has attempted to claim as a elimination of a message from a database after an expiry date for a first user (as discussed in paragraph 20) would necessarily cause a second user (if one exists) to also not be able to access that message as that message no longer exists in the database for the second user to access.” Note paragraph 20 states “After a user reads a message, the message is flagged in the database as being read by that user” (emphasis added). Also, note the phrase “that user” suggests the message may be available to more than one user. Please note that paragraph 21 states the “expiration date of the message is extended by a period of time established by the user or a default by the system.” For instance, in one embodiment, the expiration date of the message may be extended by a period of time until all

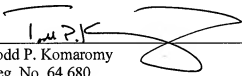
users have read the message. Once all users have read the message and the message may be removed from the database thereby eventually creating faster performance once the message is removed. The specification does not mandate that the expiration date be immediate as the Office Action appears to purport. The specification suggests that it may be removed after being flagged by all users. For at least the reasons above, Applicant respectfully submits that the Office Action does not establish a *prima facie* case of obviousness. As such, Applicants respectfully assert the rejection should be reconsidered and withdrawn.

When a phrase similar to “at least one of A, B, or C” or “at least one of A, B, and C” is used in the claims or specification, Applicant intends the phrase to mean any of the following: (1) at least one of A; (2) at least one of B; (3) at least one of C; (4) at least one of A and at least one of B; (5) at least one of B and at least one of C; (6) at least one of A and at least one of C; or (7) at least one of A, at least one of B, and at least one of C.

Applicant respectfully submits that the pending claims are in condition for allowance. The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. **19-2814**. Applicant invites the Examiner to telephone the undersigned, if the Examiner has any questions regarding this Reply or the present application in general.

Respectfully submitted,

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By: 
Todd P. Komaromy
Reg. No. 64,680

SNELL & WILMER L.L.P.
400 E. Van Buren
One Arizona Center
Phoenix, Arizona 85004
Phone: 602-382-6321
Fax: 602-382-6070
Email: tkomaromy@swlaw.com